IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8243 OF 2006

Shaikh Hazrath Kasam and ors. ..Petitioners
Vs.
M/s. Kavita Construction Company ..Respondent

Mr. P.P. Chavan i/by Ms. Rekha Panchal for petitioners.

Mr. R.S. Kumbhar i/by Mr. R.V. Yadav for respondent.

CORAM: B.H. MARLAPALLE, J.

Date : March 16, 2007.

P.C.:

1. Heard Mr. Chavan the learned counsel for the petitioners. Mr. Kumbhar i/by Mr. Yadav appears for the respondent.

2. Though no interference is called for in the orders passed by the Lower Appellate Court and which are impugned in this petition, at the same time the petitioners cannot be deprived of the facility to use the W.C. premises, even though the Lower Appellate Court has observed that the same facility is available as a common utility and, therefore, the landlord

cannot proceed to demolish the W.C. unless the suitable alternative facility is put up.

3. Hence the petition is rejected. But, it is directed that the landlord will obtain leave from the Small Causes Court before he proceeds to demolish the W.C. block and will have to satisfy the court below that an alternative facility has been made available.

(B.H. Marlapalle,J.)